



DA #5

PTO/SB/64 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
MSC-22953-3

First named inventor: Robert L. Shuler

Application No.: 09/840,683

Art Unit: 2816

Filed: April 20, 2001

Examiner: Long Nguyen

Title: Method and Apparatus for Reducing the Vulnerability of Latches to
Single Event Upsets

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1330.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of Election (identify type of reply):

☐ has been filed previously on _____.

☒ is enclosed herewith.

B. The issue fee of \$ _____.

☐ has been paid previously on _____.

☐ is enclosed herewith.

12/17/2003 AWONDAF2 00000005 140116 09840683

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1330.00 DA

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete,
including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments
on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent
and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS
ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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OFFICE OF PETITIONS

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3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

November 26, 2003

Date

James M. Cate

Signature

Telephone

Number: 281-483-1001

James M. Cate, Reg. No. 25,181

Typed or printed name

2101 NASA Road One, Mailcode: HA

Address

Houston, Texas 77058

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

November 26, 2003

Date

James M. Cate, Reg. No. 25,181

Signature

James M. Cate

Type or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Shuler, Robert L.)	Examiner: Long Nguyen
)	
)	Group Art Unit: 2816
Application No.: 09/840,683)	
)	Confirmation No. 5289
Filed: April 20, 2001)	
)	
For: METHOD AND APPARATUS)	
FOR REDUCING THE)	
VULNERABILITY OF LATCHES)	
TO SINGLE EVENT UPSETS)	

Attention: Office of Petitions
 Mail Stop Petition
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

Statement Accompanying Petition Under 37 C.F.R. 1.137(b)
to Revive Unintentionally Abandoned Application

I, James M. Cate, hereby declare:

That I am the attorney of record in the above-identified application, and that I am knowledgeable of the prosecution history of the application and the circumstances leading to its abandonment as documented in the Office communication mailed January 28, 2003.

That the failure to respond fully and comprehensively to the Office action dated December 3, 2001 on a timely basis was unintentional, and that the entire delay in filing the

required reply, from the due date for the reply until the filing of a grantable petition for revival, pursuant to 37 C.F.R. 1.137(b), was unintentional. The failure to respond entailed a miscommunication regarding docketing of the Office action, and Applicant's attorney and patent prosecution office staff have reviewed and modified the docketing system to prevent future errors of this nature.

James M. Cate

James M. Cate
Attorney
Registration No. 25,181
281/483-1001

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

November 26, 2003

James M. Cate

Signature

James M. Cate